



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,365	02/26/2004	Hyun-sik Yoon	Q79524	3411
23373 7590 01/13/2009				
SUGHRUE MION, PLLC				
2100 PENNSYLVANIA AVENUE, N.W.				
SUITE 800				
WASHINGTON, DC 20037				
EXAMINER				
PHAN, TUANKHANH D				
ART UNIT		PAPER NUMBER		
2163				
MAIL DATE		DELIVERY MODE		
01/13/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/786,365

**Applicant(s)**

YOON ET AL.

**Examiner**

TUAN-KHANH PHAN

**Art Unit**

2163

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 and 14-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

The Supplemental Action is presented by the Examiner to correct the Action mailed 12/23/2008 as a Non-Final rejection.

#### ***Response to Amendment***

The Request for Continued Examination, filed 10/06/2008, has been entered and acknowledged by the Examiner. Claims 1-12 and 14-35 are pending.

#### ***Response to Arguments***

Applicant's arguments, filed 10/06/2008, have been fully considered but they are not persuasive.

Issue: Applicant argues that the prior art does not disclose or suggest at least, "wherein the first data streaming server and the second data streaming server use different allocated channels, respectively," as recited in claim 1 and similarly recited in independent claims 12, 24, and 25.

Response: The Examiner respectfully disagrees with the Applicant, for Lundstrom reference does disclose the first streaming server and the second stream server are allocated differently according to different channels and types of service (col. 4, lines 15-25). The Applicant's argument, therefore, is not persuasive. Claims 1-12 and 14-35 stand rejected.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-13 and 15-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Lundstrom et al. (US Pat. 7,289,480), hereinafter Lundstrom.

Regarding claims 1, 12, and 24-25, Lundstrom teaches a network apparatus for wireless transmission/reception of data streams having management information on wireless channels (i.e. **a wireless communication network manages communication resources**, abstract) used for the data streams transmitted in a wireless manner among apparatuses in a network, said network apparatus comprising:

a processor operable to process an event, upon occurrence of the event in the network (i.e. in response to communication from char. 12; Figure 1), by extracting apparatus information for the apparatuses within the network from the management information (col. 1, lines 55-63; **selecting communication resources based on the user and application behavior associated with the data type and packet type traffics**) and specifying a second streaming server different from a first data streaming server according to the extracted information (col. 1, lines 55-63), and by transmitting an event response signal comprising the management information corresponding to the event (i.e. in response to a mobile station change, a dynamic updating of resource control parameters, network configuration and operations are transmitted to the changed mobile; col. 2, lines 35-50) or by updating the management information

corresponding to the event (col. 2, lines 35-50), thereby generating in the second data-streaming server, a module that manages the wireless channels for the data streams transmitted in the wireless manner among the apparatuses in the network (col. 2, lines 35-50; col. 4, lines 12-25) wherein the first data streaming server and the second data streaming server use different allocated channels, respectively (i.e. disclosing the first streaming server and the second stream server are allocated differently according to different channels and types of service; col. 4, lines 15-25).

Regarding claims 3, 15 and 27, Lundstrom teaches the apparatus as claimed in claims 1 and 25, wherein the management information comprises information on allocated wireless channels (col. 4, lines 20-25).

Regarding claims 4, 16 and 28, Lundstrom teaches the apparatus as claimed in claims 1 and 25, wherein the management information comprises information on connection states of the apparatuses in the network according to an allocated wireless channel (col. 13, lines 18-22).

Regarding claims 5, 17 and 29, Lundstrom teaches the apparatus as claimed in claims 1 and 25, wherein the management information comprises apparatus information on the apparatuses in the network (mobile profile, col. 2, lines 34-42).

Regarding claims 6, 18 and 30, Lundstrom teaches the apparatus as claimed in claims 1 and 25, wherein the management information comprises channel state information (col. 13, lines 18-22).

Regarding claims 7, 19 and 31, Lundstrom teaches the apparatus as claimed in claims 1 and 25, wherein the event comprises an allocated channel request event operable to request a new allocated channel (col. 5, lines 34-37).

Regarding claims 8, 20 and 32, Lundstrom teaches the apparatus as claimed in claims 1 and 25, wherein the event comprises an allocated channel sharing request event operable to request sharing of a currently allocated channel. It is inherent that an allocated channel is shared in a communication network by a population of clients as a many-to-one channel.

Regarding claims 9, 21 and 33, Lundstrom teaches the apparatus as claimed in claims 1 and 25, wherein the event comprises a network participation request event operable to indicate participation in an already established network (col. 2, lines 35-45 updating all network activities and resource would include indication of already established channels).

Regarding claims 10, 22 and 34, Lundstrom teaches the apparatus as claimed in claims 1 and 25, wherein the event comprises an allocated channel releasing request event operable to indicate releasing of an already established, allocated channel (col. 2, lines 60-67).

Regarding claims 11, 23 and 35, Lundstrom teaches the apparatus as claimed in claims 1 and 25, wherein the event comprises a network disconnection request event operable to indicate disconnection from an already established network (col. 12, lines 16-20).

Regarding claim 13, see the discussion of claim 1 and 12.

Regarding claims 15-23, see the discussion of claim 1, 12, 3-11 accordingly.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lundstrom and further in view of Wright et al. (US Pat. 6,078,568).

Regarding claims 2 and 14, Lundstrom teaches the apparatus as claimed in claims 1 and 12 above, wherein the management information comprises information on available channels, but lacks for empty channels that are not used. However, in the same field of endeavor, Wright et al. discloses the empty and idle channels for network resource management (col. 3, lines 30-35; col. 30, lines 51-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporate the empty channels taught by Wright et al. into the available channels allocations of Lundstrom to indicate there are empty channels waiting to be in service so that reservation of a channel if available for a certain time period as a dedicated channel.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUAN-KHANH PHAN whose telephone number is (571)270-3047. The examiner can normally be reached on 4/5/9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TKP  
/Hung T Vy/  
Primary Examiner, Art Unit 2163